

Application Number	10/826,165	CERTIFICATE OF MAILING UNDER 37 CFR§1.8(a) I hereby certify that this correspondence is being deposited with the United States Postal Service on <i>May 14, 2004</i> as first class mail addressed to: Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450. <i>Elizabeth A. VanAntwerp</i> Elizabeth A. VanAntwerp
Filing Date	April 16, 2004	
First Named Inventor	Jiro KANIE	
Art Unit		
Examiner Name		
Confirmation No.	Not Assigned	
Attorney Docket No.	889_001	

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**COMPLETION OF FILING
REQUIREMENTS — NONPROVISIONAL APPLICATION**

Sir:

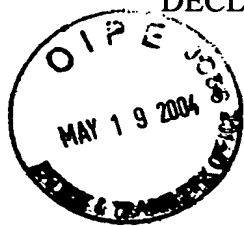
1. ☐ This replies to the Notice to File Missing Parts of Nonprovisional Application mailed _____
☐ A copy of the Notice to File Missing Parts of Nonprovisional Application—Filing Date Grated is enclosed.
2. **Declaration or Oath**
☒ No Declaration or Oath was filed. Enclosed is the original Declaration or Oath for this application.
3. **Transmittal of English Translation of Non-English Language Papers**
☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

The English translation of the non-English language application consists of:

☐ Page(s) Translation Statement
☐ Page(s) of Specification
☐ Page(s) of Claims
☐ Page(s) of Abstract
☐ Sheets of Formal Drawings
4. **Other Papers Enclosed**
☐ A Preliminary Amendment
☐ An Assignment and Assignment Transmittal
☐ A Submission of Certified Copy of Priority Document
☐ A Certified Copy of:
☐ An Information Disclosure Statement
☐ Form PTO-1449
☐ Copies of IDS Citations

05/20/2004 CCHAU 00000011 10826165 385.00 BP 65.00 BP
01 FC:2001
02 FC:2051

5. The filing fee has been calculated as shown below:					
Basic Filing Fee (37 CFR §1.16(a))					\$ 770.00
CLAIMS	Number Filed	NUMBER EXTRA		RATE	
Total Claims	4- 20 =	0	x	\$ 18.00	
Indep. Claims	2 - 3 =	0	x	\$ 86.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+	\$ 290.00	
6. Surcharge Fees (37 CFR §1.16(e))					
<input checked="" type="checkbox"/> late payment of filing fee and/or					
<input checked="" type="checkbox"/> late filing of original declaration or oath					\$ 130.00
7. Extension of Time					
a. <input checked="" type="checkbox"/> Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.					
OR					
b. <input type="checkbox"/> Applicant petitions for an extension of time, the fees for which are set out in 37 CFR §1.17(a)(1)-(4), for the total number of months checked below:					
<input type="checkbox"/> One Month (37 CFR 1.17(a)(1)) \$ 110.00					
<input type="checkbox"/> Two Months (37 CFR 1.17(a)(2)) \$ 420.00					
<input type="checkbox"/> Three Months (37 CFR 1.17(a)(3)) \$ 950.00					
<input type="checkbox"/> Four Months (37 CFR 1.17(a)(4)) \$1,480.00					
TOTAL OF ABOVE CALCULATIONS =					\$ 900.00
8. Small Entity Status					
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR §1.27. The fees indicated above are reduced by 1/2.					\$ 450.00
SUBTOTAL OF ABOVE CALCULATIONS =					\$ 450.00
<input type="checkbox"/> Fee for processing an application filed with a specification in a non-English language (37 CFR §1.17(i) and §1.52(d))					
<input type="checkbox"/> Assignment Fee (37 CFR §1.21(h))					
TOTAL FEES DUE =					\$ 450.00
9. Payment of Fees and Authorization to Charge Additional Fees or Credit Overpayment					
<input checked="" type="checkbox"/> A check in the amount of \$450.00 is enclosed.					
<input type="checkbox"/> Charge Deposit Account 50-1446 in the amount of \$_____. Enclosed is a duplicate copy of this sheet.					
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-1446:					
a. <input checked="" type="checkbox"/> Fees required under 37 CFR 1.16.					
b. <input checked="" type="checkbox"/> Fees required under 37 CFR 1.17.					
Submitted By:					
Name	Stephen P. Burr	Reg. No.	32,970	Customer No.	025191
Signature		Telephone No.	(315) 233-8300	Facsimile No.	(315) 233-8320
		Date	May 14, 2004		



DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

特許出願宣言書及び委任状

Japanese Language Declaration

日本語宣言書


私は、以下に記名された発明者として、ここに下記の通り宣言する：	As a below named inventor, I hereby declare that
私の住所、郵便の宛先そして国籍は、私の氏名の後に記載された通りである。	My residence, post office address and citizenship are as stated next to my name.
下記の名称の発明について、特許請求範囲に記載され、且つ特許が求められている発明主題に関して、私は、最初、最先且つ唯一の発明者である（唯一の氏名が記載されている場合）か、或いは最初、最先且つ共同発明者である（複数の氏名が記載されている場合）と信じている。	I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled
ENTERAL NUTRITION PRODUCT AND METHOD FOR PREPARING THE SAME	
上記発明の明細書はここに添付されているが、下記の欄がチェックされている場合は、この限りでない：	the specification of which is attached hereto unless the following box is checked:
<input type="checkbox"/> _____の日に出席され、 この出願の米国出願番号またはPCT国際出願番号は、 _____であり、且つ _____の日に補正された出願（該当する場合）	<input checked="" type="checkbox"/> was filed on <u>April 16, 2004</u> as United States Application Number or PCT International Application Number <u>10/826,165</u> and was amended on _____ (if applicable).
私は、上記の補正書によって補正された、特許請求範囲を含む上記明細書を検討し、且つ内容を理解していることをここに表明する。	I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.
私は、連邦規則法典第37編規則1.56に定義されている、特許性について重要な情報を開示する義務があることを認める。	I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

Japanese Language Declaration
(日本語宣言書)

<p>私は、ここに、以下に記載した外国での特許出願または発明者証の出願、或いは米国以外の少なくとも一国を指定している米国法典第35編第365条(a)によるPCT国際出願について、同第119条(a)-(d)項又は第365条(b)項に基づいて優先権を主張するとともに、優先権を主張する本出願の出願日より前の出願日を有する外国での特許出願または発明者証の出願、或いはPCT国際出願については、いかなる出願も、下記の枠内をチェックすることにより示した。</p>	<p>I hereby claim foreign priority under Title 35, United States Code, Section 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(c) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application for which priority is claimed.</p>																				
<p>Prior Foreign Application(s) 外国での先行出願</p>	<p align="right">Priority Not Claimed 優先権主張なし</p>																				
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; border-bottom: 1px solid black; text-align: center;">2001-323124</td> <td style="width:33%; border-bottom: 1px solid black; text-align: center;">Japan</td> <td style="width:33%; border-bottom: 1px solid black; text-align: center;">22 October 2001</td> </tr> <tr> <td style="text-align: center;">(Number)</td> <td style="text-align: center;">(Country)</td> <td style="text-align: center;">Day/Month/Year Filed</td> </tr> <tr> <td style="text-align: center;">(番号)</td> <td style="text-align: center;">(国名)</td> <td style="text-align: center;">(出願日/月/年)</td> </tr> <tr> <td style="border-bottom: 1px solid black; text-align: center;">2002-108094</td> <td style="border-bottom: 1px solid black; text-align: center;">Japan</td> <td style="border-bottom: 1px solid black; text-align: center;">10 April 2002</td> </tr> <tr> <td style="text-align: center;">(Number)</td> <td style="text-align: center;">(Country)</td> <td style="text-align: center;">Day/Month/Year Filed</td> </tr> <tr> <td style="text-align: center;">(番号)</td> <td style="text-align: center;">(国名)</td> <td style="text-align: center;">(出願日/月/年)</td> </tr> </table>	2001-323124	Japan	22 October 2001	(Number)	(Country)	Day/Month/Year Filed	(番号)	(国名)	(出願日/月/年)	2002-108094	Japan	10 April 2002	(Number)	(Country)	Day/Month/Year Filed	(番号)	(国名)	(出願日/月/年)	<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="width:33%; text-align: center;"><input type="checkbox"/></td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>
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<p>私は、ここに、下記のいかなる米国仮特許出願についても、その米国法典第35編119条(e)項の利益を主張する。</p>	<p>I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.</p>																				
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<p>私は、ここに、下記のいかなる米国出願についても、その米国法典第35編第120条に基づく利益を主張し、又米国を指定するいかなるPCT国際出願についても、その同第365条(c)に基づく利益を主張する。また、本出願の各特許請求の範囲の主題が、米国法典第35編第112条第1段に既定された態様で、先行する米国出願又はPCT国際出願に開示されていない場合においては、その先行出願の出願日と本国内出願日またはPCT国際出願日との間の期間中に入手された情報で、連邦規則法典第37編規則1.56に定義された特許性に関わる重要な情報について開示義務があることを承認する。</p>	<p>I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of the application.</p>																				
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; border-bottom: 1px solid black; text-align: center;">PCT/JP02/10704</td> <td style="width:33%; border-bottom: 1px solid black; text-align: center;">15 October 2002</td> <td style="width:33%; border-bottom: 1px solid black; text-align: center;">Pending</td> </tr> <tr> <td style="text-align: center;">(Application No.)</td> <td style="text-align: center;">(Filing Date)</td> <td style="text-align: center;">(Status: Patented, Pending, Abandoned)</td> </tr> <tr> <td style="text-align: center;">(出願番号)</td> <td style="text-align: center;">(出願日)</td> <td style="text-align: center;">(現況: 特許許可、係属中、放棄)</td> </tr> <tr> <td style="border-bottom: 1px solid black; text-align: center;">(Application No.)</td> <td style="border-bottom: 1px solid black; text-align: center;">(Filing Date)</td> <td style="border-bottom: 1px solid black; text-align: center;">(Status: Patented, Pending, Abandoned)</td> </tr> <tr> <td style="text-align: center;">(出願番号)</td> <td style="text-align: center;">(出願日)</td> <td style="text-align: center;">(現況: 特許許可、係属中、放棄)</td> </tr> </table>	PCT/JP02/10704	15 October 2002	Pending	(Application No.)	(Filing Date)	(Status: Patented, Pending, Abandoned)	(出願番号)	(出願日)	(現況: 特許許可、係属中、放棄)	(Application No.)	(Filing Date)	(Status: Patented, Pending, Abandoned)	(出願番号)	(出願日)	(現況: 特許許可、係属中、放棄)						
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<p>私は、ここに表明された私自身の知識に係わる陳述が真実であり、且つ情報と信ずることに基づく陳述が、真実であると信じられることを宣言し、さらに、故意に虚偽の陳述などを行った場合は、米国法典第18編第1001条に基づき、罰金または拘禁、若しくはその両方により処罰され、またそのような故意による虚偽の陳述は、本出願またはそれに対して発行されるいかなる特許も、その有効性に問題が生ずることを理解した上で陳述が行われたことを、ここに宣言する。</p>	<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent thereon.</p>																				

Japanese Language Declaration
(日本語宣言書)

<p>委任状： 私は本出願を審査する手続を行い、且つ米国特許商標庁との全ての義務を遂行するために、記名された発明者として、下記の弁護士及び／または弁理士を任命する。(氏名及び登録番号を記載すること)</p>	<p>POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number).</p> <p>Stephen P. Burr, Reg. No. 32,970 Kevin C. Brown, Reg. No. 32,402</p>
<p>書類送付先：</p>	<p>Send Correspondence to: Customer No. 25191</p>
<p>直通電話連絡先： (氏名及び電話番号)</p>	<p>Direct Telephone Calls to: (name and telephone number)</p> <p>Stephen P. Burr Phone: (315) 233-8300 Facsimile: (315) 233-8320</p>

<p>唯一または第一発明者氏名</p>	<p>Full name of sole or first inventor Jiro KANIE</p>
<p>発明者の署名 日付</p>	<p>Inventor's Signature  Date 7. May 2004</p>
<p>住所</p>	<p>Residence Nagoya-Shi, Aichi-Prefecture Japan</p>
<p>国籍</p>	<p>Citizenship Japanese</p>
<p>郵便の宛先</p>	<p>Post Office Address 5-11-2, Okute-Cho, Chikusa-Ku Nagoya-Shi, Aichi-Prefecture Japan</p>

<p>第二共同発明者がいる場合、その氏名</p>	<p>Full name of second joint inventor, if any</p>
<p>第二共同発明者の署名 日付</p>	<p>Second Inventor's Signature Date</p>
<p>住所</p>	<p>Residence</p>
<p>国籍</p>	<p>Citizenship</p>
<p>郵便の宛先</p>	<p>Post Office Address</p>

<p>(第三以下の共同発明者についても同様に記載し、署名をすること)</p>	<p>(Supply similar information and signature for third and subsequent joint inventors.)</p>
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